

December 3, 2010

MEMO ENDORSED

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Via Facsimile Transmission

Hon. James C. Francis, Magistrate Judge
U.S. Southern District Court NY
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RE: Civil Action No. 10-cv-5613 (PAC) (JCF)
Alexander v. Murdoch, et al

Dear Hon. Judge Francis:

In the above referenced matter, the Court previously granted Plaintiff an extension until December 3, 2010 to serve an opposition motion or amended complaint and/or any other appropriate response to the eleven served U.S. Defendants' "Motion To Dismiss." In addition to the voluminous materials already served on Plaintiff, subsequently on November 9, 2010, the four international Defendants (British Sky, RTL Group, Sky Italia and Foxtel) also served Plaintiff with a "Motion To Dismiss," memorandum of law, and judicial opinions. The Court granted an extension of time to coordinate the deadline for responding to the international Defendants' motion on the same date of December 3, 2010, set previously by the Court.

Plaintiff recently had to travel to Los Angeles to conduct investigative research, in order to respond more fully to Defendants' motions to dismiss. Plaintiff encountered some difficulties while there and when returning. For instance, Plaintiff's return flight departing Los Angeles was delayed. Then Plaintiff's connecting flight was cancelled. Conflicting reasons for the cancellation ranging from weather to mechanical problems were given by airline employees. Plaintiff was told he had to wait almost 9 hours for a flight. But later that flight also was cancelled. When Plaintiff finally left Milwaukee due to mechanical difficulties discovered in flight, the plane had to return to Milwaukee. Due to all the delays, instead of arriving in Ohio refreshed at 10:00 am Wednesday morning, Plaintiff arrived exhausted at 11:00 p.m. and did not get home until after midnight this morning. Consequently, Plaintiff lost valuable time needed to meet the December 3 deadline today.

Also, upon returning, Plaintiff discovered he had been served on November 29, 2010 with another motion to dismiss/memorandum of law with judicial opinions filed on behalf of the

remaining four unserved Defendants to whom Plaintiff sent requests for waiver of summons. Ordinarily, Plaintiff's deadline for serving an opposition motion or amended complaint in response to the remaining four Defendants' motion would be 14 or 21 days from the date of service, respectively. Therefore, the deadline for serving an opposition motion would be December 13, 2010, while the deadline for serving an amended complaint would be December 20, 2010. I am respectfully requesting an extension to coordinate a single date of December 20, 2010 for responding to the motions to dismiss. Granting this extension will not cause undue delay and Plaintiff pledges to submit his response as soon as possible, most likely in advance of December 20. Also, granting this extension and coordinating a single deadline will promote efficiency and avoid piecemeal litigation, something Ms. Cendali has indicated to the Court, in the past, she desires to do. In addition, Plaintiff plans to voluntarily forego some claims with respect to some or all Defendants and needs more time to decide which claims to drop against which Defendants, and this will certainly promote judicial efficiency by saving the Court and all Parties involved time.

This is Plaintiff's second request for an extension to respond to the international Defendants' motion and fourth request for an extension, overall. Defense attorney Dale M. Cendali, Esq. has requested extensions four separate times for a total of two requests on behalf of each of the served U.S. Defendants, except CBS. Defense attorney Joseph F. Richburg, Esq. requested extensions three times on behalf of CBS. All of the Defendants' aforementioned requests for extensions of time were granted. Plaintiff has contacted Defense attorney Cendali and obtained her consent regarding this request for an extension of time.

For all the foregoing reasons, Plaintiff is requesting an extension of seventeen (17) days from December 3, 2010, in order to respond to the served Defendants motions. Plaintiff, therefore, respectfully requests an extension until December 20, 2010 to serve an opposition motion or amended complaint and/or any other appropriate pleading in response to the served Defendants' aforementioned motions. Plaintiff contacted Defendants' counsel at Kirkland & Ellis LLP, and they have agreed not to oppose this request in exchange for an extension until January 10, 2011 to file a reply to Plaintiff's opposition to their motions. Defendants' counsel is aware that Plaintiff at this time is also considering filing an amended complaint and other pleadings in lieu of an opposition to the motions to dismiss.

Respectfully Submitted,

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Pro-Se

*Application granted. 12/6/10
Plaintiff shall
answer the motions to dismiss by
December 20, 2010, and defendants
shall reply by January 10, 2011.*

SO ORDERED.

*James C. Francis IV
JSMJ*

P.S. Should the Court so require, to demonstrate Plaintiff is in need of an extension beyond Dec 3, 2010 due to circumstances beyond the ambit of his control, Plaintiff can provide documentary proof of his travel ordeal via facsimile later today.

Thank you for your consideration of this matter.

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